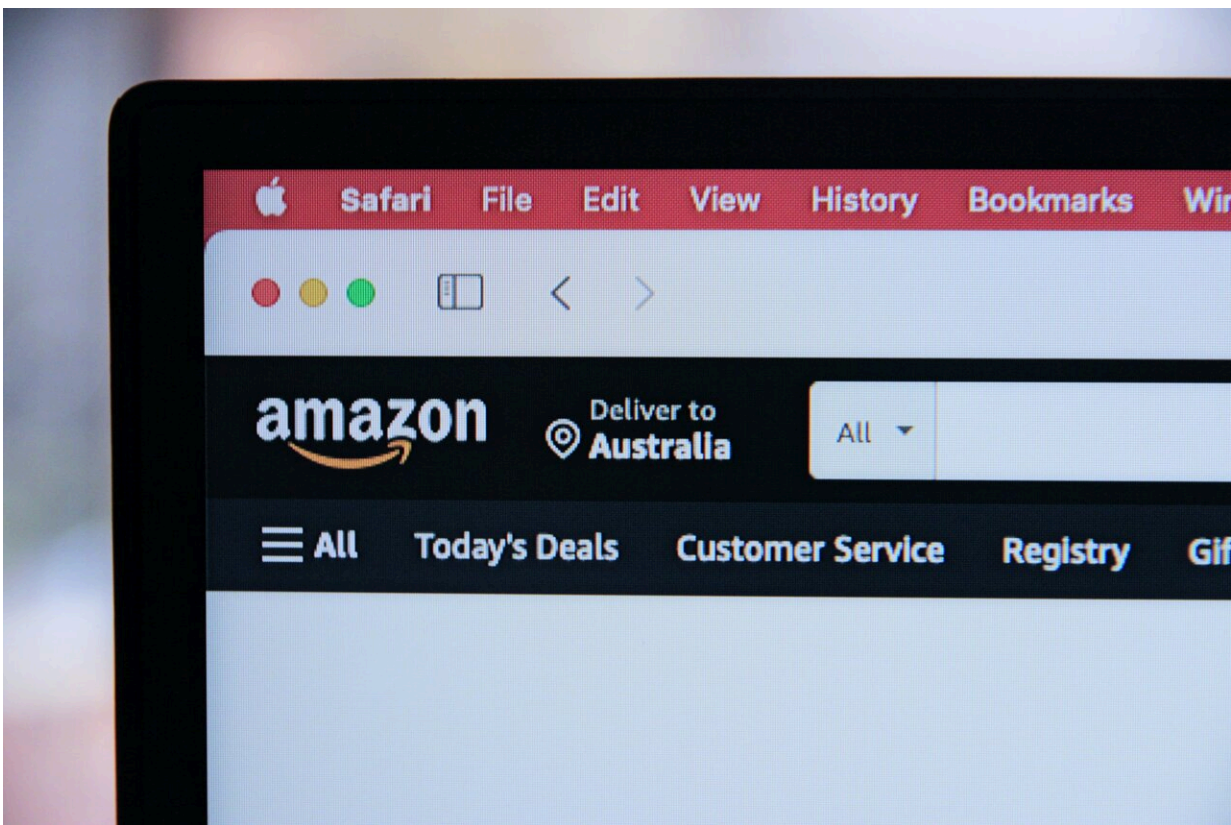


# As investigations mount, injured worker describes Amazon's toll

March 1 2023, by Lauren Rosenblatt

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Kali Kennelly went to work for Amazon hoping for a steady income to provide for her two sons and a chance to climb the ranks at a company that touts upward mobility for its warehouse workers.

Six months into her new stint, though, Kennelly suffered a head injury after falling packages hit her, causing a concussion that has been slow to improve. After Amazon management pushed back on accommodations that her doctor said would keep her safe, Kennelly has been living on workers' compensation benefits that amount to a fraction of her normal paycheck.

Now, Kennelly rarely leaves her room in the Federal Way, Washington, apartment she's at risk of losing.

"When I first started, I loved it there. I loved going to work every night. It was nothing like it is now," said Kennelly, 38. "Now, it's like I have to fight myself to get up."

Injuries like Kennelly's have come up before. Amazon is facing workplace safety investigations from the Occupational Safety and Health Administration, Washington's Department of Labor and the U.S. Department of Justice. Earlier this year, after roughly six months of inspections, OSHA determined Amazon failed to keep its workers safe. It pointed to, among other things, the weight of items handled by workers, awkward motions like twisting, bending and lifting, and long hours.

At one facility in Illinois, workers were struck by packages weighing more than 50 pounds, OSHA found in a review of injury reports. In a Florida warehouse, workers were hit by objects that were improperly stacked.

OSHA cited Amazon for that hazard in Florida and proposed a \$13,400 fine. But inspectors stopped short of doing so in Illinois. The acting area director wrote in a letter that "no OSHA standard applies." But, the letter continued, Amazon should "voluntarily take necessary steps" to eliminate the risk.

Amazon is appealing and said it is inappropriate to draw a comparison between that site and the Kent, Washington, warehouse where Kennelly works.

"At any [work environment](#) where employees are moving, packing or unpacking a significant number of items, there's a risk of those items becoming dislodged," spokesperson Maureen Lynch Vogel said. "We do everything we can to reduce that risk."

Kennelly went to her personal physician the day after her injury, according to a doctor's note viewed by The Seattle Times. That physician recommended limits on her work, including not lifting packages weighing more than 15 pounds. Kennelly said she brought the note to Amazon that day.

In response to Kennelly's claims, Amazon said its safety team investigated the incident and could not find any video footage or witnesses to substantiate the events.

"The story Ms. Kennelly is telling The Seattle Times is inconsistent with the story she told our team," Vogel said. "Ms. Kennelly did not immediately report the alleged injury—a protocol she was familiar with. During our investigation, we found no evidence to corroborate her claims, but nonetheless worked to accommodate her."

In the meantime, Kennelly said she's struggling to sleep at night and unable to get out of bed in the morning.

## **'Designed for speed'**

After six months of interviewing workers, inspecting injury logs and watching videos taken inside an Amazon warehouse, [federal regulators](#) determined Amazon had failed to create a safe workplace.

Warehouse workers were at risk of "serious physical harm," OSHA regulators wrote in citations issued in January and February. The workers faced "ergonomic stressors" that were likely to cause—or had already caused—musculoskeletal disorders, like lower-back injuries.

"Each of these inspections found work processes that were designed for speed but not safety," Doug Parker, assistant secretary for occupational safety and health, said in a statement.

"While Amazon has developed impressive systems to make sure its customers' orders are shipped efficiently and quickly, the company has failed to show the same level of commitment to protecting the safety and well-being of its workers," he added.

Amazon, for its part, has recognized that its warehouses could be safer but says it has already taken steps to improve. Founder Jeff Bezos pledged to make the company "Earth's Safest Place to Work" in 2021. Amazon committed to pour \$300 million into safety projects and new technologies.

CEO Andy Jassy told shareholders last year Amazon had created a list of 100 "pain points" to solve. It had to work quickly to adjust to its explosive growth amid the COVID-19 pandemic and a spike in demand for online orders, he said. Amazon's injury rate is not worse than its peers, Jassy argued, it is just "misunderstood."

That sentiment contradicted an analysis of injury data Amazon had submitted to OSHA that found Amazon accounted for nearly half of all injuries in the warehouse industry and that its warehouses had a higher rate of injury than non-Amazon facilities. The analysis—from the Strategic Organizing Center, a coalition of labor unions—found the rate of injury at Amazon warehouses went up 20% in 2021.

The serious injury rate at Amazon warehouses in 2021 was 6.8 per 100 workers, compared to a rate of 3.3 per 100 at other non-Amazon warehouses, according to the study. For workers who were seriously injured, Amazon employees needed an average of 19 more days to recover than workers at other non-Amazon warehouses.

Amazon maintains it reduced injury rates in the U.S. nearly 15% between 2019 and 2021.

The Strategic Organizing Center has asked the Securities and Exchange Commission to investigate Amazon for making false and misleading claims about its warehouses. The Department of Justice is investigating whether Amazon executives knew about the safety hazards at its warehouses and misled others about the company's safety record.

In July, OSHA opened inspections at three warehouses in Deltona, Florida; Waukegan, Illinois; and New Windsor, New York. It began investigating three more facilities in Aurora, Colorado; Nampa, Idaho; and Castleton, New York, in August.

In New York, OSHA found workers were lifting packages that weighed more than 50 pounds above shoulder-height. In some facilities, OSHA said Amazon's in-house medical team discouraged workers from reporting injuries. If workers did make a report, the medical team pushed them to either return to the floor before fully recovering or to take a leave of absence. OSHA recommended Amazon end those policies and ensure medical providers were practicing within the scope of their licenses.

Amazon said it follows all safety standards and regulations. There is no federal weight limit standard, the company said. The company denies that OSHA found its medical team had pressured workers not to report injuries or return to work before they were healthy. "Our policy is that

employees are supposed to immediately report any injuries and we encourage them to seek care right away if they need it," Vogel said.

In a letter sent to Amazon's Florida facility on Jan. 17, the area director for OSHA wrote "several workers described active obstruction of efforts to seek medical care." Because on-site medical representatives "discourage workers from seeking medical treatment, many injuries progress," the letter continued.

In Idaho, an inspector recommended Amazon limit the pace of work for some jobs. The same inspector found Amazon should end the "gamification" of its warehouses, where it encouraged workers to move faster by offering incentives, according to a letter sent to the facility.

In response to this allegation, Vogel said OSHA did not say that the games were the cause of alleged injuries. And, Vogel added, the games are optional.

In several facilities, OSHA found Amazon had not followed its own policies. In Florida, Amazon policies required team lifting for heavy parcels—but those guidelines weren't followed, OSHA found. In Illinois, Amazon prohibited workers from stacking boxes above 4 feet—but the warehouse had an "allowable practice" to stack them above 6 feet, OSHA reported.

Amazon, which recorded \$514 billion in net sales in 2022, could face nearly \$152,000 in penalties: \$29,008 from citations issued in December, \$107,144 from citations issued in January and \$15,625 from citations issued in February.

OSHA penalties have historically been low, said Debbie Berkowitz, a former chief of staff and adviser for the government agency. The average penalty is about \$3,000, she said.



Despite the small dollar figure, it's significant that OSHA invested considerable resources into the investigations, Berkowitz said. It's rare for the [government agency](#) to investigate several facilities from the same company at once. And, OSHA used all the tools available to document the hazards, Berkowitz said, including interviews with doctors, employees and ergonomic experts.

"Regardless of the penalty, Amazon is going to challenge these citations and OSHA knows that," she said. "Clearly these citations show it's not the [worker](#)'s fault, that the work is designed in such a way that you can't work safely."

The allegations don't "reflect the reality" at Amazon sites, Vogel said. "We've cooperated with the government through its investigation and have demonstrated how we work to mitigate risks and keep our people safe," she said. "We also know there will always be more to do, and we'll continue working to get better every day."

The citations follow years of protest by workers and activist groups who have been raising alarms about the pace of work and risk of injury at Amazon's facilities. Workers at some facilities started union drives to push back on expectations the company sets. State lawmakers in Washington, California, New York and Minnesota are considering legislation to promote safer practices at warehouses, including at Amazon's.

In letters to each facility, OSHA recommended steps Amazon can take to improve working conditions. Overall, multiple OSHA inspectors wrote, Amazon should use policies and equipment that "make the job fit the person."

## **Hit by a TV, a grill, a kayak**

While inspecting Amazon's Waukegan, Illinois, warehouse, OSHA studied five years of injury logs to determine how often workers were struck by packages while working.

Workers reported getting hit by a dog kennel, a bed frame and a kayak. One described being struck by exercise equipment weighing 148 pounds. Another said they were hit by a 74-pound grill, while another reported an injury from a 90-pound TV.

In one Kent warehouse, Amazon took steps to reduce the risk, said Kennelly, the worker there. But, she said, Amazon walked back those protections during the holiday rush.

Kennelly works at Amazon's DWA6, a 691,925 square-foot warehouse where the company often tests new technologies or procedures. She usually works at night and Amazon often requires mandatory overtime shifts.

Before her injury, Kennelly usually spent the first half of the night getting packages into the right bag to go to the right delivery route. She spent the second half with an assigned route, finding the bags for the van that would serve it.

Filling the bags—large squares that look like a soft, foldable cooler—was like a game of Tetris that requires workers to strategize how to fit everything together, Kennelly said.

Workers are supposed to zip those bags closed but Kennelly noticed that some bags went unzipped. That meant packages could spill out, and became especially dangerous when a worker had to pull a bag off the top of a rack.

Knowing that was a common hazard, Amazon told workers in Kent to no



longer use the top tier in the racks, Kennelly said. But in October, as Amazon geared up for its holiday rush, she said Amazon workers began stacking bags in the fourth tier again.

Vogel, the Amazon spokesperson, said Amazon doesn't have a rule prohibiting use of the fourth tier. When that tier is used, employees receive training on how to safely use it. DWA6, where Kennelly works, has automated systems that help employees understand which tiers to use and "these automated systems are built with safety as the top priority," Vogel said.

The night she was injured, Kennelly and her colleagues were particularly rushed working to catch up from deliveries that had been delayed after an ice storm, she said.

As Kennelly was walking past a storage rack, she was hit in the head. Three packages had fallen from the fourth tier.

Kennelly said she went to report the injury to her manager, who offered her some ibuprofen and sent her back out.

Later, as she was reaching to pull a full bag down from the fourth tier, another package fell and scraped the left side of her face.

Kennelly went to her physician and then a neurologist, who found she had a concussion. She couldn't do most of the tasks her job required, from climbing stairs to lifting packages weighing more than 3 pounds, according to a doctor's note.

When Kennelly returned for a follow-up a month later, she was improving "slower than expected," according to her medical records.

"I don't come out of the room at all," Kennelly said, seated on her living

room couch with her chihuahua, Peaches, in February, almost two months after her injury. A whiteboard calendar marked with birthday celebrations and doctor's appointments hung nearby.

Days after that conversation, she went to see her doctor again and learned, for the third time, she could not yet return to work.

## **Workers 'at risk' in Kent**

Kennelly works near one of the Amazon facilities under scrutiny from Washington's Department of Labor and Industries, the state's counterpart to OSHA.

Before federal safety regulators began looking into Amazon's working conditions last summer, Washington's workplace watchdogs opened investigations. State investigators cited Amazon four times in 2021 and 2022.

In BF14, one of several Amazon facilities in Kent, workers move at a pace that increases the chances of injury, the department found. Ten of the 12 processes the department inspected "create a serious hazard" for back, shoulder, wrist and knee injuries.

Because the department had cited Amazon for similar violations in the past at other facilities, regulators said Amazon was "knowingly putting workers at risk."

Amazon has denied L&I's claims and appealed those citations.

Under Washington law, Amazon is still on the hook to make changes to its workplace after a citation even if an appeal is pending. But L&I found that, since issuing its first citation against Amazon, the company hasn't done enough to fix safety issues at the warehouses.

Amazon and the state remain locked in a legal battle. Amazon sued in October, arguing the state has stacked the system against employers and denied the corporation due process.

In court filings, Amazon said Labor and Industries is "disingenuous and disregards the evidence." The company says it has put forward its own proposal to improve safety at its warehouses but that government officials won't accept it.

The state, on the other hand, says Amazon "misses the point."

"The government interest here is protecting workers from a lifetime of injuries and pain," Anastasia Sandstrom, senior counsel for Labor and Industries, wrote in court filings.

In court filings, Amazon also argued it didn't have enough time to gather expert opinions given the "complexity" of the ergonomic situation. L&I shot back that Amazon's claims were "absurd."

## **Struggling to move forward**

Before her injury, Kennelly would end her days in the bath, using Epsom salts and bath bombs to ease the muscle aches from hours of stowing packages.

Amazon pushed a fast pace, she said. Workers were greeted with a sign at the front of the warehouse that listed the expected number of packages each worker would move that shift. Usually it hovered around 250 per hour, Kennelly said.

Amazon says it rotates workers through roles to minimize strain from repetitive motions. But Kennelly said she was assigned the same task for almost two months.

"The people who are making these rules ... you guys aren't doing the job. You do not know what toll it's taking on our bodies at all," she said. "What they make us do is outrageous and it does hurt."

Vogel, the spokesperson, said Kennelly regularly rotated to different roles. At the warehouse, site leaders "consistently tell employees not to rush tasks, and this is communicated in multiple ways," Vogel said.

Kennelly's year at Amazon has been marked with strife. She contracted COVID-19 in July. She had to get emergency kidney surgery last summer and had a miscarriage last fall. She's had trouble with managers who won't talk or work with her when she has complaints about a condition. She has accused a co-worker of sexual harassment, and was briefly terminated for taking unpaid time off. Amazon reinstated her three days later.

After her injury, Kennelly asked the company to make changes to her shifts to match the doctor's recommendations but Amazon declined, Kennelly said.

Vogel said the company did work to find a suitable role for Kennelly after learning she wouldn't be able to lift some packages. "When we realized that wasn't possible because of the products handled at this site, she was placed on paid leave so she could rest," Vogel said.

Without a safety net and the reduced income, she sold her car because she couldn't keep up with the payments.

Kennelly is the sole breadwinner in her family. Her sons are still in school. They are looking for work but struggle to find anything that isn't in a warehouse. Kennelly said she had originally planned to bring her 20-year-old son to join her at Amazon but, after a few months there, decided she didn't want to put him at risk.

In February, she was one day late on rent. Her landlord sent her an eviction notice.

For now, Kennelly is set to return to work at the end of March, pending another doctor evaluation. She's anxious about returning to a facility where she felt management hasn't supported her needs, from safety accommodations to mitigating disputes with co-workers.

She has applied to transfer to other facilities but worries the new role will reduce her income.

Kennelly said she wants to return to the Kent facility, where she used to enjoy spending her nights, but "how much more can I take of this?"

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